

**ACUERDOS BILATERALES/BILATERAL AGREEMENT/ACORDOS
BILATERAIS/ACCORDS BILATERAUX**

Clasificación: 10-2023

Fecha de Ingreso: 18 de mayo de 2023

Nombre del Acuerdo: Agreement between the General Secretariat of the Organization of American States and the Government of Antigua and Barbuda.

Materia: Privileges and Immunities of the OAS Electoral Observation Mission for the 2023 General Elections in Antigua and Barbuda.

Partes: SG / Antigua and Barbuda.

Referencia: Antigua and Barbuda.

Fecha de Firma: 28 de diciembre de 2022

Fecha de Inicio:

Fecha de Terminación:

Lugar de Firma: Washington, DC, USA

Unidad Encargada:

Persona Encargada:

Cierre del Proceso:

Notas Adicionales/Additional Notes/Notes Supplémentaires/Notas Adicionais:

**AGREEMENT BETWEEN
THE GOVERNMENT OF ANTIGUA AND BARBUDA
AND
THE GENERAL SECRETARIAT OF THE
ORGANIZATION OF AMERICAN STATES
REGARDING
THE PRIVILEGES AND IMMUNITIES OF THE
OAS ELECTORAL OBSERVATION MISSION
FOR THE 2023 GENERAL ELECTIONS IN ANTIGUA AND BARBUDA**

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FOR THE 2023 GENERAL ELECTIONS IN ANTIGUA AND BARBUDA**

The Parties to this Agreement, the General Secretariat of the Organization of American States (hereinafter referred to as the “GS/OAS”) and the Government of Antigua and Barbuda (hereinafter referred to as the “Government”),

WHEREAS:

On December 23, 2022, the Government invited the Secretary General of the Organization of American States (hereinafter referred to as the “OAS” or the “Organization”) to send an Electoral Observation Mission to Antigua and Barbuda for the purpose of observing the General Elections to be held on January 18, 2023 (hereinafter referred to as the “General Elections”);

The Secretary General of the OAS (hereinafter referred to as the “Secretary General”), in a letter dated December 27, 2022, informed the Government that he accepted the invitation to establish an Electoral Observer Mission (hereinafter referred to as the “Mission” or “OAS Observer Mission”) for these elections, subject to obtaining the necessary resources to finance the establishment of the Mission in Antigua and Barbuda;

The OAS Observer Mission will be comprised of officials of the GS/OAS and/or persons contracted at GS/OAS Headquarters, as well as other international observers specifically under contract to the GS/OAS for the OAS Observer Mission (hereinafter referred to as the “Members of the OAS Mission” or the “Members”);

Article 133 of the Charter of the Organization of American States (OAS Charter) provides that: “the Organization of American States shall enjoy in the territory of each Member

such legal capacity, privileges, and immunities as are necessary for the exercise of its functions and the accomplishment of its purposes"; and

The basic privileges and immunities enjoyed by the OAS, the GS/OAS, and its staff in Antigua and Barbuda are set out in the OAS Charter, whose instrument of ratification was deposited by the Government of Antigua and Barbuda on December 3rd, 1981, and in the Agreement Between the General Secretariat of the Organization of American States and the Government of Antigua and Barbuda on the Functioning of the Office of the General Secretariat of the Organization of American States in Antigua and Barbuda and Recognition of Its Privileges and Immunities, signed by the Parties on February 28th, 1986.

NOW, THEREFORE THE PARTIES HAVE AGREED AS FOLLOWS:

CHAPTER I:

PRIVILEGES AND IMMUNITIES OF THE OAS OBSERVER MISSION

ARTICLE I

The privileges and immunities of the OAS Observer Mission shall be those accorded to the OAS and to the GS/OAS, its staff and property, pursuant to the provisions of Articles 133, 134, 135, and 136 of the OAS Charter, the Agreement Between the General Secretariat of the Organization of American States and the Government of Antigua and Barbuda on the Functioning of the Office of the General Secretariat of the Organization of American States in Antigua and Barbuda and Recognition of its Privileges and Immunities, and in accordance with the principles and practices of international law.

ARTICLE II

The property and effects of the OAS Observer Mission, located in any part of the territory of Antigua and Barbuda and in possession of any person, shall enjoy immunity against any type of judicial proceeding; save in those specific cases for which said immunity is expressly waived in writing by the Secretary General of the OAS. However, it is understood

that said waiver of immunity by the Secretary General shall not have the effect of subjecting any such property and effects to any type of measure of execution.

ARTICLE III

The premises occupied by the OAS Observer Mission shall be inviolable. Moreover, the property and effects of the OAS Observer Mission, in any part of the territory of Antigua and Barbuda and in possession of any person or entity, shall enjoy immunity against search and seizure, confiscation, expropriation and against any form of intervention, be it executive, administrative, judicial or legislative.

ARTICLE IV

The files of the OAS Observer Mission and all of the documents pertaining thereto or in the possession of any person or entity shall be inviolable wherever they are located.

ARTICLE V

The OAS Observer Mission shall be:

- a) Exempt from any internal taxation, it being understood, however, that it may not claim any type of tax exemption that is in fact remuneration for public services;
- b) Exempt from any type of customs duty, prohibition and restriction in respect of articles and publications that it may import or export for its official use. It is understood, however, that the articles imported duty-free may be sold within Antigua and Barbuda only in accordance with conditions expressly agreed upon by the GS/OAS and the Government; and
- c) Exempt from ordinances, regulations or moratoria of any kind. Moreover, it may have currency of any type, carry accounts in any foreign currency and transfer funds in foreign currency.

ARTICLE VI

The OAS Observer Mission may establish and operate in the territory of Antigua and Barbuda an independent radio communication system to provide an on-going communications link between the observers and the vehicles used by the Members of the OAS Observer Mission with Mission offices and regional headquarters, such as the central office in St. John's and between the latter and the Headquarters of the GS/OAS in Washington, D.C., United States of America. The Government shall provide all the technical and administrative support necessary for this to be achieved.

CHAPTER II

MEMBERS OF THE OAS OBSERVER MISSION

ARTICLE VII

The Members of the OAS Observer Mission shall be those persons who have been designated by the GS/OAS and accredited with the authorities of Antigua and Barbuda.

ARTICLE VIII

For the period during which the Members of the OAS Observer Mission exercise their functions and during their trips to and from Antigua and Barbuda, they shall enjoy the following privileges and immunities:

- a) Immunity from personal detention or arrest as well as immunity from any type of legal proceeding in respect of their actions and statements be they oral or written, done in the performance of their functions;
- b) Immunity from any mandatory measure of quarantine, isolation or any other similar restriction imposed by the Government regarding the pandemic generated by COVID-19;
- c) The inviolability of all papers and documents;

- d) The right to communicate with the GS/OAS via radio, telephone, telegraph, email, satellite or other means, and to receive documents and correspondence through messengers or in sealed pouches, enjoying for that purpose the same privileges and immunities accorded to diplomatic mail, messages, and pouches;
- e) The right to utilize for their movements throughout the national territory, any means of transportation, be it by air, by water or over land;
- f) Exemption in respect of their persons and that of their spouses and children, from any type of immigration restriction and registration of aliens and any type of national service in Antigua and Barbuda;
- g) The same privileges accorded to the representatives of foreign governments on official mission in respect to foreign-currency restrictions;
- h) The same immunities and privileges in respect of their personal baggage as are accorded to diplomatic envoys; and
- i) Such other privileges, immunities and facilities as are compatible with the foregoing, and enjoyed by diplomatic envoys, with the exception that they shall not enjoy any exemption from customs duties on imported merchandise (that is not part of their personal effects) or sales taxes or consumer taxes.

ARTICLE IX

The provisions contained in the preceding Article do not apply to nationals of Antigua and Barbuda working as local contract staff in the OAS Observer Mission, except in respect of official acts performed or statements issued in the exercise of their functions.

CHAPTER III COOPERATION WITH THE AUTHORITIES

ARTICLE X

The OAS Observer Mission shall cooperate with the relevant authorities of Antigua and Barbuda to prevent any occurrence of abuse in respect of the specified privileges and immunities. Similarly, the relevant authorities shall do whatever is possible to provide the cooperation requested of them by the OAS Observer Mission.

ARTICLE XI

Without prejudice to the immunities and privileges accorded, the members of the OAS Observer Mission shall respect the laws and regulations existing in Antigua and Barbuda.

ARTICLE XII

The Government and the GS/OAS shall take any measures necessary to procure an amicable arrangement in the proper settlement of:

- a) Any disputes that may arise in contracts or other questions of private law; and
- b) Any disputes to which the OAS Observer Mission and/or any of its Members may be parties with respect to matters in which they enjoy immunity.

CHAPTER IV

NATURE OF PRIVILEGES AND IMMUNITIES

ARTICLE XIII

The privileges and immunities are granted to the Members of the OAS Observer Mission in order to safeguard their independence in the exercise of their functions of observing the General Election Process of Antigua and Barbuda and not for personal gain or to perform activities of a political nature within the territory of Antigua and Barbuda.

The Secretary General of the OAS may waive the privileges and immunities of any of the Members of the OAS Observer Mission in the event that he determines, in his sole

discretion, that the exercise of those privileges and immunities may obstruct the course of justice and so long as the Secretary General determines that such waiver does not prejudice the interests of the OAS or of the GS/OAS.

CHAPTER V IDENTIFICATION

ARTICLE XIV

The Government recognizes the "Official Travel Document" issued by the GS/OAS as a valid and sufficient document for purposes of travel by the Members of the OAS Observer Mission.

The Government shall issue to each Member of the OAS Observer Mission a visa to enter the country and to remain therein until the end of the OAS Observer Mission. The Government shall further provide each such Member with an identity document, which shall include the person's full name, position or rank, and a photograph. The Members of the Mission will not be obligated to hand over said document but only to show it whenever the authorities of the Government so request.

ARTICLE XV

The Government agrees to extend the privileges and immunities of the present Agreement to Members of the OAS Observer Mission designated by the GS/OAS, who have been accredited by the authorities of Antigua and Barbuda.

CHAPTER VI GENERAL PROVISIONS

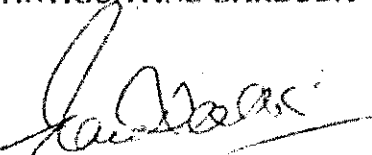

ARTICLE XVI

This Agreement may be amended by mutual consent in writing by the duly authorized representatives of the Parties.

ARTICLE XVII

This Agreement shall enter into force on the date of its signature and shall cease to have effect once the OAS Observer Mission has completed its Mandate, in accordance with the terms of the request made by the Government.

IN WITNESS WHEREOF, the undersigned, duly authorized, do hereby sign this Agreement, in duplicate, on the date and locations indicated below.

<p>FOR THE GOVERNMENT OF ANTIGUA AND BARBUDA</p>  <p>Ronald Sanders Representative Permanent Mission of Antigua and Barbuda to the Organization of American States</p> <p>Place: Washington, D.C., USA Date: <u>December 28th 2022</u></p>	<p>FOR THE GENERAL SECRETARIAT OF THE ORGANIZATION OF AMERICAN STATES</p>  <p>Luis Almagro Secretary General Organization of American States</p> <p>Place: Washington, D.C., USA Date: December 28, 2022.....</p>
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